

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Thomas McWaid et al.  
Title: System for Sensing a Sample  
Application No.: 10/729,609 Filing Date: December 5, 2003  
Examiner: Larkin, Daniel Sean Group Art Unit: 2856  
Docket No.: TNCR.195US2 Conf. No.: 2888

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER A PATENT**

Sir:

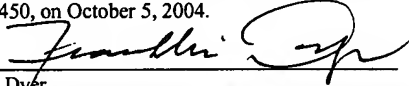
Petitioner, KLA-Tencor Corporation, a Delaware corporation having a place of business at 160 Rio Robles, Building A, San Jose, CA 95134 is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date(s) of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,520,005 (formally Application No. 09/313,962 with publication number US-2002-0174714 A1, and referred to hereinbelow as "prior patent"). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date(s) of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term(s) as presently shortened by any terminal disclaimer.

The fee of \$110.00 is enclosed as required under 37 C.F.R. § 1.20(d). In addition, the commissioner is authorized to charge any additional fee required to Deposit Account No. 502664 for this Terminal Disclaimer as set forth in the enclosed transmittal letter.

The undersigned represents that he/she is authorized to sign on behalf of Petitioner.

<p align="center"><u>Certificate of Mailing Under 37 CFR 1.8</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 5, 2004.</p> <p align="center"></p> <p>Franklin Dyer</p>
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Respectfully submitted,



James S. Hsue  
Reg. No. 29,545

10/5/04  
Date